

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
OLD FAYETTEVILLE DIVISION

No. 3:94-CR-46-D  
No. 5:21-CV-202-D

STEVEN DESMOND PETERSON, )  
Petitioner, )  
v. )  
UNITED STATES OF AMERICA, )  
Respondent. )

**ORDER**

The court has reviewed the record. The court DISMISSES WITHOUT PREJUDICE petitioner's motion under 28 U.S.C. § 2255 [D.E. 739]. Because petitioner's section 2255 motion is "successive," and he has not received authorization from the United States Court of Appeals for the Fourth Circuit to file it, the court lacks jurisdiction to consider it. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003); cf. [D.E. 493, 499, 546, 547, 560, 611]. Alternatively, the claims fail on the merits. See Fed. R. Civ. P. 12(b)(6). The court also DENIES a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 20 day of May 2021.

  
JAMES C. DEVER III  
United States District Judge